

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Reissue of Application of:
BILL L. DAVIS and JESSE S. WILLIAMSON

For Reissue of U. S. Patent 5,630,393
Issued May 20, 1997
Serial No. 08/515,097

Filing Date: May 20, 1999

Serial No: 09/315,796

For: COMBINED LITHOGRAPHIC/
FLEXOGRAPHIC PRINTING
APPARATUS AND PROCESS

(Group Art Unit:
(2854
(Examiner:
(S. Funk

FOURTH SUPPLEMENTAL STATEMENT OF
PRIOR ART AND OTHER INFORMATION

To: The Honorable Commission of
Patents and Trademarks
Washington, D.C. 20231

Sir:

On August 11, 1994 in the concurrent Dallas litigation, a deposition was taken of Steve Garner, former President of PRI. Garner disclosed the existence of a brochure of a Canadian company in the Providence of Quebec, RDP, which brochure Garner indicated he thought taught in the "mid-1990's" a press where flexo station could be put "at any point" (Garner Deposition, p. 36). Garner indicated protestors' counsel had been given the brochure long ago, and that he had put the brochure "in an envelope probably two years ago". Garner Deposition, p. 38.

Despite our repeated request of protestors' counsel to turn over any possible relevant prior art, we again had to request counsel for pertinent art not previously considered by the PTO, including the brochure. Weeks later, the RDP brochure was "found" and belatedly produced by counsel. The brochure thereafter used by PRI in the deposition of John Bird (September 12,

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2000).

Apparently Protestor PRI is playing a bizarre game - it is contending DeMoore and/or Rendlemen invented the '363 process - - and that if so reissue applicants' employer assigned the '363 process, WPC, is "infringing (count II)" its own patent - - but that if the PRI employees did not "invent" the '363 process, [it will contend] the '363 patent is invalid over the prior art.

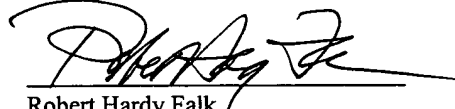
Examination of the RDP brochure (Exhibit A of the Prince Fourth Supplemental Declaration, attached) shows no such clear interstation flexographic teaching. The brochure may indicate it was printed in August, 1994. Nowhere is it indicated in the brochure when the brochure is distributed to the public.

Reissue applicants contend that the brochure is clearly not prior art under 35 U.S.C. § 102(b).

Furthermore, for the reasons provided by expert Prince in his FOURTH SUPPLEMENTAL DECLARATION, the brochure is not material, regardless of when it was published - - which, again, is unknown. The brochure does not clearly teach interstation development of a flexographic step. Furthermore, no interstation drying step is taught for such a step. Finally no motivation is given the artisan why, in a web-press soup-can printing operation, an interstation flexographic station would be needed in 1994, or even desired.

A PTO-1449 form is attached.

Respectfully submitted,



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CERTIFICATE OF SERVICE

This is to certify that the foregoing FOURTH SUPPLEMENTAL STATEMENT OF PRIOR ART AND OTHER INFORMATION was served on '363 Protectors' and '713 Patentees' counsel of record by placing a true and correct copy in the United States Mail, postage prepaid, on the 29th day of September, 2000, addressed as follows:

William D. Harris, Jr., Esq.
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2200 Ross Avenue, Suite 2200
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Supl
Statement
of Prior Art
1-30-01
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September 29, 2000

VIA FEDERAL EXPRESS

Examiner Stephen Funk
United States Patent and Trademark
Office Group 2854
Room 9D35 - Crystal Plaza IV
Arlington, VA 22202

Re: *Bill L. Davis, et al*; United States 09/315,796
Our File No. Will 2501

Dear Examiner Funk:

Enclosed please find a Fourth Supplemental Statement of Prior Art and Other
Information with Supporting Declaration of Prince.

Very truly yours,



Robert Hardy Falk

RHF:ac1
Enclosures

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